

REMARKS

Upon entry of this Amendment, claims 1, 2 and 9 have been amended and claim 31 has been cancelled without prejudice or disclaimer of the subject matter thereof. In view of the herein-contained amendments and remarks, Applicants respectfully submit that each of the pending claims is allowable for at least the reasons provided below.

Support for amended claim 1 can be understood from an appreciation of the paragraph bridging pages 30 and 31, in particular lines 7 and 8 on page 31; and the last paragraph at page 33. Support for amended claim 2 can be understood from an appreciation of the paragraph bridging pages 24 and 25, and figure 19. Applicants submit that no new matter has been added.

In response to the Examiner's request to use the drawings to relate to the features of the claims, Applicants has reproduced independent claim 1 below and included reference numerals in parentheses from the drawings to assist the Examiner's understanding of the claimed invention. However, such identification of claim elements is merely to assist the Examiner's understanding, and in no way is it intended to restrict the scope of Applicant's claims: Electrical power supply distribution apparatus comprising: a conduit ((100) including at least one elongate conductor (126, 128, 1126, 1128, 2126, 2128, 4126, 4128), the conduit having an opening (110, 1110, 4154) through which a connector (400, 750, 6400, 6750) is able to be inserted to connect electrically with the at least one elongate conductor(126, 128, 1126, 1128, 2126, 2128, 4126, 4128); a plurality of conductive members (5100, 5500) disposed between the opening (110, 1110, 4154) and the at least one elongate conductor (126, 128, 1126, 1128, 2126, 2128, 4126, 4128), at least one of the plurality of conductive members (5100, 5500) being

configured to be electrically connected to said connector (400, 750, 6400, 6750), wherein each conductive member (5100, 5500) is separately supported and compressible by a said connector (400, 750, 6400, 6750) to provide access to the at least one elongate conductor (126, 128, 1126, 1128, 2126, 2128, 4126, 4128).

Claim Rejections – Nonstatutory Double Patenting Rejection

Claims 1-36 have been rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claim 1-26 of US Patent No. 7,201,589 (Jong) in view of US 4,243,'284 (Humphreys '284). This rejection is respectfully traversed.

In this regard, the Examiner has asserted that the patent claims of Jong cover all main features of the present application but lack the “plurality of conductive members feature”. The Examiner asserted that Humphreys '284 uses plural doors 52 or blocking members and that it would be obvious to also use plural conductive blocking members in the patent claims of Jong since with plural openings in the conduit, plural members rather than a single one are needed as suggested by Humphreys '284.

Applicant respectfully disagrees with the Examiner's assertions and submit that each and every element as set forth in claim 1 is not taught or suggested, either expressly or inherently, in each or any valid combination of the claimed subject matter of Jong with that of Humphreys '284.

The Examiner should be reminded that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art....important to identify a reason that would have

prompted a person of ordinary skilled in the relevant field to combine the elements in the way the claimed new invention does.” Re: Supreme Court in KSR International Co., v. Teleflex, Inc (“KSR”).

In this respect, the Examiner has not provided any reason to support why a person of ordinary skill in the art would be prompted to combine the patent claims of Jong with the teachings of Humphreys ‘284, and in the absence of such a reason, Applicant submit that the Examiner has not established that it would have been obvious to combine the claimed subject matter of Jong with that of Humphreys ‘284.

Indeed, Humphreys ‘284 does not disclose that the flap doors 52 are conductive and the Examiner seems to concede this is correct in the comments at page 3 third paragraph of the Office Action. Consequently, a person of ordinary skill in the art would not regard the flap doors 52 of Humphreys ‘284 to be analogous to the conductive member of the patent claims of Jong and thus, the person of ordinary skill in the art would not be prompted to substitute the conductive member with the flap doors 52. As a result, there is no reason for a person of ordinary skill in the art to combine the claimed subject matter of Jong with the teachings of Humphreys ‘284 and therefore, Applicant submits that the claims of the present application are patentably distinct from the patent claims of Jong, considered with or without the teachings of Humphreys ‘284.

Additionally, claim 1 of the present application has been clarified such that each conductive member is compressible, which is different from the conductive member of the patent claims of Jong. Likewise, the flap doors 52 of Humphreys ‘284 are clearly not compressible and thus, the combination of the claimed subject matter of Jong and that of Humphreys ‘284 would not yield the claims of the present application. As a result, the

Examiner has not established a *prima facie* obviousness.

Thus, even assuming, arguendo, that the claimed subject matter of Jong and Humphreys '284 can be properly combined, the asserted combination of Jong and Humphreys '284 would not result in the invention as recited in the present claims. Thus, the rejection under the ground of nonstatutory obviousness type double patenting over Jong in view of Humphreys '284 is now improper.

Claim Rejections – 35 U.S.C. §112

Claims 2-8, 16-26 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claims 2 and 9 in a manner that should overcome the basis for rejection. Regarding claim 32, Applicant believes that the Examiner is in fact referring to claim 31 and this claim has been deleted without prejudice or disclaimer of the subject matter thereof. If the Examiner has other issues with the claim language, or if the Examiner was actually referring to claim 32 instead of claim 31, the Examiner is requested to contact the undersigned with any comments or recommendations. Thus, the rejection under 35 U.S.C. 112, second paragraph, is now believed to be moot.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-4, 23, 24, 25, 29, 30 and 31 are rejected under 35 USC 102(b) as being anticipated by Humphreys '284. This rejection is respectfully traversed.

From lines 45 to 50 of Humphreys '284, it can be appreciated that, with the

exception of the contact pins and the associated terminal connectors, the plug is molded from a material such as Bakelite, high impact polystyrene, PVC, nylon or other synthetic or thermoplastic material, and the neck portion and head member are molded integrally with the base 71. This means that the body of the plug is made of insulative material. From Figure 5, it can be appreciated that the spring plate 32 is NOT positioned to be electrically connected to the plug. Indeed, at column 6 lines 36 to 39, it is suggested that the spring plate 32 may comprise a continuous strip of plastics material, which means that there is no requirement that the plate 32 be electrically connected to the plug.

In contrast, unlike the structure disclosed in Humphreys '284, claim 1 of the present application includes the limitation that at least one of the plurality of conductive members are arranged to be electrically connected to the connector. Absent a disclosure in a single reference of each and every element recited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. 102. Since Humphreys '284 fails to disclose each and every element recited in independent claim 1, Humphreys '284 does not anticipate the present invention or render the presently claimed invention unpatentable. Thus, the Examiner's rejection under 35 U.S.C. §102 (b) is now improper.

Claim Rejections - 35 U.S.C. §103(a)

Based on the reading of Humphreys '284 by the Examiner, at page 4 of the office action, claims 1-4, 23, 24, 25, 29, 30 and 31 are also rejected under 35 U.S.C.103(a) as being obvious over Humphreys '284. These rejections are respectfully traversed.

The Examiner would appreciate that by arranging the at least one of the plurality of conductive members to be electrically connected to the connector has at least the

advantage of securely and safely grounding the connector before the electrical conductors can be engaged. Since the plurality of conductive members are also arranged to be compressible by the connector to provide access to the electrical conductors, the plurality of conductive members also performs the function of preventing access until the connector is safely grounded. With this arrangement, a simpler and yet safer power supply distribution apparatus can be achieved.

Not obvious in view of Humphreys '284 alone (I)

As explained above, there is no teaching or suggestion in Humphreys '284 for the spring plate 32 to be so arranged in order for it to be electrically connected to the plug. In fact, column 6 lines 36 to 39 suggests that the spring plate 32 can be made of plastics, and teaches away from such an arrangement. Thus, a person of ordinary skill in the art reading Humphreys '284 would not be prompted to rearrange the location of the spring plate 32 so that it makes electrical contact with the plug 32.

Further, as explained at column 8 lines 46 to 49, grounding between the plug and earth in Humphreys '284 is achieved by contact between the earth pin 80 of the plug and the earth conductor 66 and as a result, a person of ordinary skill in the art would not be prompted to look for ways to improve this arrangement since Humphreys '284 does not suggest that there are problems with this arrangement or that arranging the grounding in a different manner would provide a simpler electrical distribution system. Therefore, Applicant submits that independent claim 1 is not obvious in view of Humphreys '284.

The Examiner at page 3 of the office action interpreted Humphreys '284 in a different manner and asserted that claims 1-25 and 37-31 are rejected under 35 U.S.C.

103(a) as being unpatentable over Humphreys '284 alone or taken in view of US 4,479, '687 (Humphreys '687).

Again, Applicant respectfully disagrees with the Examiner's assertions and submit that each and every element as set forth in claim 1 is not taught or suggested, either expressly or inherently, in each or any valid combination of the applied references. Thus, Applicants submit that the applied references do not render obvious the claims of the present application.

The Examiner is reminded that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art....important to identify a reason that would have prompted a person of ordinary skilled in the relevant field to combine the elements in the way the claimed new invention does." Re: Supreme Court in KSR International Co., v. Teleflex, Inc ("KSR").

Not obvious in view of Humphreys '284 alone (II)

Based on a different reading of Humphreys, the Examiner seems to suggest that the plural members or doors 52 in Humphreys '284 are analogous to the plurality of conductive members of the present application. The Examiner concedes that the type of material used for the door is not stated which means that there is no disclosure in Humphreys '284 that the plural members or doors 52 are conductive. However, the Examiner asserts that metal is typical for such items and that it would be obvious to use metal for doors 52 as this would result in a stronger door.

However, Applicant submits that in the absence of any such teaching in

Humphreys '284, on the contrary, a person of ordinary skill in the art would actually consider insulative material such as plastics for the doors 52 since this would make the conduit much lighter and easier to install. Further, there is no suggestion or teaching in Humphreys '284 of any advantage of the doors being conductive and in the absence of such a teaching, Applicant submits that there is no apparent reason to prompt a person of ordinary skill in the art to choose metal as the material for the doors 52 over other non-conductive materials.

The Examiner's reasoning that it would have been obvious to a person of ordinary skill in the art to use metal, when there is no teaching in Humphreys '284 that would motivate the person of ordinary skill in the art to do so, seems to suggest "ex-post reasoning" which is not the standard for obviousness set forth in 35 U.S.C. § 103.

For these reasons, Applicant submits that there is no apparent reason for a person of ordinary skill in the art to use metal for the doors 52 and thus, the claimed invention is not obvious in view of Humphreys '284.

Further, even if it was obvious to use metal for the door 52, which Applicant submits is not, as shown clearly in Figure 5, there is no disclosure or suggestion that the doors 52 are compressible. Thus, Applicant submits that the claimed invention is not rendered obvious in view of Humphreys '284 for this additional reason.

Not obvious in view of Humphreys '284 and Humphreys '687

The Examiner also asserted that the door 42 in Humphreys '687 is sectioned as metal and thus, it would have been obvious to use metal for the doors 52 in Humphreys '284, and this would render the present invention obvious. Applicant respectfully

disagrees.

Initially, Applicant submits that, contrary to the Examiner's assertion, there is no disclosure or suggestion in Humphreys '687 that the door 42 is made of metal. The Examiner is respectfully requested to point out specifically the passage in Humphreys '687 that discloses that the door 42 is made of metal for Applicant's appreciation. Absence such a disclosure, Applicant submits that the Examiner has not established a prima facie obviousness to combine the documents since the combination does not yield each and every feature of the claimed invention.

In any case, even if the door 42 in Humphreys '687 is made of metal, which Applicant submits it is not, Applicant submits that the Examiner's assertion that it would be obvious to combine this with Humphreys '284 to make a stronger door is flawed.

From the Background of the Invention section in Humphreys '687, the Examiner would appreciate that this patent document makes reference to Humphreys '284 and indicates that there are problems with the safety arrangement of Humphreys '284. As a result, a person of ordinary skill in the art would understand that the arrangement proposed in Humphreys '687 would be better than what is disclosed in Humphreys and thus the person of ordinary skill in the art would not have looked to Humphreys '284 in the first place, much less to combine it with the teachings of Humphreys '687.

Further, the claimed invention requires the conductive member to be compressible by a connector. Clearly, the doors 42 of Humphreys '687 and the doors 52 in Humphreys '284 are not compressible and thus, even if properly combined, these references do not yield the claimed invention.

In view of the above, Applicant submits that the presently claimed invention is

not obvious in view of Humphreys '284 alone, considered with or without the teachings of Humphreys '687.

In view of the remarks/arguments herein, Applicant submits that independent claim 1 is in condition for allowance. With regard to the dependent claims 2 to 30 and 32, Applicant asserts that they are allowable on their own merit, as well as because they depend from independent claim 1, which Applicant has shown to be allowable. Thus, Applicant respectfully requests withdrawal of all rejections and timely allowance of all of the pending claims.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believe that they have done so. Applicant has pointed out significant and substantial shortcomings of the documents relied upon by the Examiner with respect to the pending claims. Applicant has further discussed the explicitly recited features of Applicant's claims and have noted the shortcomings of the relied upon documents with respect thereto. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests a prompt passage to issuance.

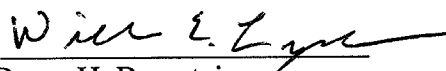
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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